

SENATE BILL REPORT

ESHB 2886

As of February 24, 2010

Title: An act relating to the adoption of rules by the building code council regarding carbon monoxide alarm installation.

Brief Description: Concerning the adoption of rules by the building code council regarding carbon monoxide alarm installation.

Sponsors: House Committee on Local Government & Housing (originally sponsored by Representatives Angel, Simpson and Wallace).

Brief History: Passed House: 2/13/10, 95-0.

Committee Activity: Labor, Commerce & Consumer Protection: 2/23/10.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Ingrid Mungia (786-7423)

Background: State Building Code Council. The State Building Code Council (Council) provides analysis and advice to the Legislature and the Governor on state building code issues. The Council establishes the minimum building, mechanical, fire, plumbing, and energy code requirements by reviewing, developing, and modifying the code provisions that comprise the state building code.

Buildings Classified as Residential Occupancies. Residential occupancies, as defined in the state building code, include the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group or Licensed Care Group. Residential occupancies include, but are not limited to, single-family residences, boarding houses, hotels, motels, dormitories, apartment buildings, townhouses, and vacation timeshare properties.

Carbon Monoxide Alarm Requirements. In 2009 the Legislature enacted a requirement that the Council adopt rules requiring residential occupancies, subject to specified exceptions, be equipped with carbon monoxide alarms. These rules must require that:

- all newly constructed residential occupancies have carbon monoxide alarms beginning January 1, 2011; and
- all other residential occupancies have carbon monoxide alarms beginning January 1, 2013.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Owner-occupied, single-family residences legally occupied before July 26, 2009, are exempt from the requirement. However, the seller of an owner-occupied, single-family residence must install carbon monoxide alarms in accordance with the requirements of the state building code prior to the buyer or any other person occupying the residence following such sale. Residential tenants must maintain carbon monoxide alarms according to manufacturer specifications, including battery replacement.

Smoke Alarm Requirements for Existing Residences. The state building code requires that when any alteration, repair, or addition requiring a building permit occurs in an existing residence, the dwelling must be equipped with a smoke alarm. Smoke alarms must be interconnected and hard wired unless the repair or alteration does not result in the removal of an interior wall or ceiling. If the building permit is obtained for work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition of a deck, a smoke alarm is not required.

Seller's Disclosures. Sellers of residential real estate are required by law to provide prospective buyers with a completed form known as the seller's real property transfer disclosure statement. The statement must be in the format specified by statute and must include extensive disclosures regarding the condition of the property, utility systems, hazardous conditions, legal restrictions, etc.

Summary of Bill: By July 1, 2010, the Council is required to adopt rules requiring that existing owner-occupied, single-family residences be equipped with a carbon monoxide alarm when permitted building activity occurs. Exterior work, such as the replacement of roofing, the installation of a porch or deck, or the repair of plumbing or mechanical systems, is exempt from the requirement. Rules adopted that require the installation of carbon monoxide alarms in existing multi-family residential occupancies do not take effect until January 1, 2013. A statutory provision is removed that requires the installation of a carbon monoxide alarm after the sale of an owner-occupied, single-family residence.

A question is added to the seller's real property transfer disclosure statement informing a prospective purchaser regarding whether the property is equipped with a carbon monoxide alarm.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 21, 2010.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The Building Code Council was going to move the date for requiring carbon monoxide alarms from 2013 to 2011. However, the Multi-Family Housing Association (MFHA) expressed concern that this is a burden because of the economy and the number of units they have vacant, so this moves the date back to 2013. The realtors were also concerned about the responsibility of having carbon monoxide

alarms installed when a home is sold. This requirement was removed and a questions was added to the seller disclosure statement informing a prospective purchaser whether the property is equipped with a carbon monoxide alarm. The MFHA is asking for more time to complete the process for multi-family units. We want to be part of the solution. We thought the requirement for multi-family housing didn't go into effect until 2013 in SSB 5561. It is not clear who is going to inform landlords of this requirement. We want to delay the requirement for installing alarms in multi-family homes. We also don't really need to worry about units that don't have a fuel source. The current requirement to install alarms upon the sale of a home doesn't square with the Building Code because the code doesn't apply to sellers. For existing residences, this bill is a step forward.

CON: We usually think of poor and ill informed people as being the victims of carbon monoxide poisoning, this is not always the case. The carbon monoxide alarm requirement is not causing the down turn in the economy. We should not put the burden on the real estate professionals to make sure an alarm is installed when a home is sold. Each owner should put in a carbon monoxide alarm when they sell there home, just like they are required to have operating smoke alarms and sprinkler systems. This gives multi-family housing an opportunity to show good will for their industry and protect their members from suits, not a burden when the bubble has burst.

OTHER: The Building Code Council was compelled to move the dates forward to install carbon monoxide alarms, except for owner occupied single family homes.

Persons Testifying: PRO: Representative Angel, prime sponsor; Joe Puckett, MFHA; John Woodering, Darlene Pennock; Bill Clarke, Washington Realtors.

CON: Mel Ylarizaz, citizen.

OTHER: Tim Nogler, State Building Code Council.